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Filing date: **03/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199109
Party	Plaintiff Calpis Co., Ltd.
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Submission	Motion to Extend
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Signature	/Donna A. Tobin/
Date	03/05/2012
Attachments	Motion to Extend Dates.pdf ( 4 pages )(1817664 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CALPIS CO., LTD.	)	
	)	
Opposer,	)	
	)	
v.	)	Consolidated
	)	Opposition Nos. 91199109 and
	)	91199111
	)	
CALICO JACK'S L.L.C	)	
	)	
Applicant.	)	

**CONSENT MOTION TO EXTEND ALL DATES BY SIXTY DAYS**

Opposer CALPIS CO. LTD. ("Calpis") hereby submits this Motion to extend all dates in this matter by sixty days. Applicant has consented to the extension. The extension is necessary to permit the parties to determine whether settlement is possible and, if not, to proceed with this matter.

On February 9, 2012 the Board denied Opposer's Motions, filed January 27<sup>th</sup>, 2012 and January 30, 2012, to extend the dates in this matter by sixty days. Applicant had consented to Opposer's Motion filed January 30, 2012. The Board, in its Order, noted that it is not the practice of the Board to extend dates in a proceeding where the Discovery Conference had not yet been held without good cause, and ordered the parties to conduct the Discovery Conference within ten days of the Order. The parties have complied with the Board's Order and have held the Discovery Conference as ordered. The parties initially discussed the possibility of settlement. Additional time is

required for Opposer to present a settlement offer to Applicant so that the parties may determine whether settlement is possible and if not, to proceed with this matter.

Opposer, with the consent of Applicant, therefore, respectfully moves this Honorable Board to extend all dates in this matter by sixty (60) days<sup>1</sup> to enable the parties to either continue settlement discussions or proceed with this matter.

The Board, in its Order of February 9, 2011 stated that the dates in this matter remain as set in its Order dated December 22, 2011. If the Board grants the instant Motion, those dates would be reset as follows, or as the Board deems appropriate:

Deadline for Discovery Conference	Closed
Discovery Opens	3/27/2012
Initial Disclosures Due	3/22/2012
Expert Disclosures Due	8/24/2012
Discovery Closes	9/36/2012
Plaintiff's Pretrial Disclosures	11/7/2012
Plaintiff's 30-day Trial Period Ends	12/22/2012
Defendant's Pretrial Disclosures	1/6/2013
Defendant's 30-day Trial Period Ends	2/20/2013
Plaintiff's Rebuttal Disclosures	3/7/2013
Plaintiff's 15-day Rebuttal Period Ends	4/6/2013

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<sup>1</sup> The parties agreed to extend the date for Initial Disclosures to be served by thirty, and not sixty, days.

**CONCLUSION**

Opposer, with the consent of Applicant, respectfully submits that the requested extension is required for Opposer to present a settlement offer to Applicant so that the parties may determine whether settlement is possible and if not, to proceed with this matter.

Dated: March 5, 2012

BAKER & HOSTETLER LLP

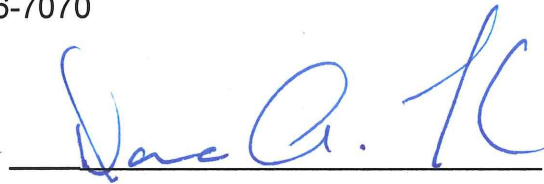
By: 

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Attorneys for Opposer  
Calpis Co., Ltd.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing motion was served on March 5, 2012 by first class mail, postage prepaid, in an envelope addressed to Applicant as follows:

Calico Jack's LLC  
Attn: Sidney J. Martin  
19 Autumn Lane  
Carriere, MS 39426-7070

A handwritten signature in blue ink, appearing to read "David A. K.", is written over a horizontal line.